

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

CLARENCE V. KNIGHT,

Plaintiff,

v.

R. ST. ANDRE, et al.,

Defendants.

No. 2:23-cv-0177 DAD DB P

ORDER

Plaintiff, a state prisoner proceeding pro se, filed this civil rights action pursuant to 42 U.S.C. § 1983. Before the court is plaintiff's second amended complaint for screening. For the reasons set forth below, this court finds plaintiff has stated a potentially cognizable claim against defendant Watkins but does not state any other claims. Those other claims and defendants will be dismissed. Plaintiff will be given a choice. He may either proceed immediately on his claim against defendant Watkins or he may file a third amended complaint.

SCREENING

I. Legal Standards for §1983 Claims

As described in this court's prior screening orders, the court is required to screen complaints brought by prisoners to determine whether they sufficiently state claims under 42 U.S.C. § 1983. 28 U.S.C. § 1915A(a). The prisoner must plead an arguable legal and factual basis for each claim in order to survive dismissal. Franklin v. Murphy, 745 F.2d 1221, 1227-28

1 (9th Cir. 1984). In addition, the prisoner must demonstrate a link between the actions of each
2 defendant and the deprivation of his rights. Monell v. Dept. of Social Servs., 436 U.S. 658
3 (1978). “A person ‘subjects’ another to the deprivation of a constitutional right, within the
4 meaning of § 1983, if he does an affirmative act, participates in another’s affirmative acts or
5 omits to perform an act which he is legally required to do that causes the deprivation of which
6 complaint is made.” Johnson v. Duffy, 588 F.2d 740, 743 (9th Cir. 1978).

7 **II. Allegations in the Second Amended Complaint**

8 Plaintiff complains of conduct that occurred in 2022 when he was incarcerated at High
9 Desert State Prison (“HDSP”). He identifies the following defendants: (1) R. St. Andre, Warden;
10 (2) N. Miller, Correctional Officer (“CO”); (3) G. Watkins, Correctional Lieutenant; (4) Nate
11 Smith, Correctional Sergeant; (5) D. Acosta, Correctional Officer; (6) M. Darst, Correctional
12 Officer; and (7) M. Knedler, Associate Warden.

13 Plaintiff’s allegations involve a Rules Violation Report (“RVR”) he received after a riot
14 on February 11, 2022 and the subsequent disciplinary hearing, the finding that plaintiff committed
15 battery with a deadly weapon, and the imposition of punishment. Plaintiff complains of the
16 following conduct by each defendant:

- 17 • Sergeant Smith “weaponized” another inmate to disseminate false information which
18 caused the riot.
- 19 • Lieutenant Watkins refused to permit plaintiff to introduce exculpatory audio and video
20 evidence during the May 21, 2022 disciplinary hearing; and failed to consider other
21 exculpatory evidence, including the statement plaintiff made. Plaintiff further alleges
22 Watkins conducted the disciplinary hearing in this manner to protect defendant Smith.
- 23 • Plaintiff appears to allege that he gave CO Darst, the first investigative officer for the
24 hearing, a written statement, requested the presence of employee Miller at the hearing, and
25 showed Darst his grievance regarding audio and video evidence. That information does
26 not appear in the disciplinary hearing results. Therefore, according to plaintiff, the
27 hearing officer did not consider it.

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- 1 • Plaintiff appears to allege that the second investigative office, CO Acosta, either failed to
2 correctly repeat the statement plaintiff provided for the disciplinary hearing record or that
3 Acosta did repeat it but the record did not reflect that statement.
 - 4 • Plaintiff appears to allege that he requested a further statement from CO Miller to ask him
5 why his three statements differed from the RVR he authored and whether he in fact
6 authored the RVR. It can be inferred that plaintiff was unable to get that additional
7 statement from Miller. Plaintiff further appears to be alleging that someone else wrote the
8 RVR and he was unable to question that person during the hearing.
 - 9 • Associate Warden Knedler failed to properly review the results of the disciplinary hearing
10 which violated Penal Code §2932.
 - 11 • Warden St. Andre failed to train Watkins and Knedler in the disciplinary process.
- 12 Plaintiff concludes that these violations of his rights resulted in the disciplinary guilty
13 finding and the imposition of a 365-day loss of behavior credits and an 18-month term in the
14 Security Housing Unit (“SHU”). Plaintiff seeks compensatory and punitive damages and
15 dismissal of the disciplinary conviction.

16 **III. Does Plaintiff State a Claim under § 1983?**

17 Plaintiff appears to be asserting four legal claims. First, he contends that defendant Smith
18 caused false information to be disseminated, which resulted in the riot. Second, plaintiff alleges
19 actions of defendants Watkins, Darst, and Acosta violated his rights to due process in the
20 disciplinary process. Third, plaintiff alleges defendant Knedler failed to comply with state law
21 regarding the review of disciplinary hearing results. Fourth, plaintiff alleges defendant St. Andre
22 failed to properly train defendants Watkins and Knedler in disciplinary procedures.

23 **A. False Information**

24 Plaintiff was found guilty of battery with a deadly weapon. Plaintiff does not explain how
25 defendant Smith’s alleged actions resulted in plaintiff’s guilty finding. Plaintiff either did, or did
26 not, commit battery with a deadly weapon. Even if plaintiff could show Smith caused the riot, it
27 does not follow that plaintiff did not commit battery. Plaintiff fails to connect the alleged actions

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1 of Smith with the harm he complains of. Accordingly, plaintiff's claim against Smith will be
2 dismissed with leave to amend.

3 **B. Conduct of Disciplinary Proceedings**

4 **1. Legal Standards**

5 Prisoners retain their right to due process subject to the restrictions imposed by the nature
6 of the penal system. See Wolff v. McDonnell, 418 U.S. 539, 556 (1974). Prison disciplinary
7 proceedings are not part of a criminal prosecution and the full panoply of rights due a defendant
8 in such proceedings does not apply. See id. But the Due Process Clause requires certain
9 minimum procedural protections where serious rules violations are alleged, the power of prison
10 officials to impose sanctions is narrowly restricted by state statute or regulations, and the
11 sanctions are severe. See id. at 556–57, 571–72 n.19.

12 Wolff established five constitutionally mandated procedural requirements for disciplinary
13 proceedings. First, “written notice of the charges must be given to the disciplinary-action
14 defendant in order to inform him of the charges and to enable him to marshal the facts and
15 prepare a defense.” Id. at 564. Second, “at least a brief period of time after the notice, no less
16 than 24 hours, should be allowed to the inmate to prepare for the appearance before the
17 [disciplinary committee].” Id. Third, “there must be a ‘written statement by the factfinders as to
18 the evidence relied on and reasons’ for the disciplinary action.” Id. (quoting Morrissey v. Brewer,
19 408 U.S. 471, 489 (1972)). Fourth, “the inmate facing disciplinary proceedings should be
20 allowed to call witnesses and present documentary evidence in his defense when permitting him
21 to do so will not be unduly hazardous to institutional safety or correctional goals.” Id. at 566.
22 And fifth, “[w]here an illiterate inmate is involved [or] the complexity of the issue makes it
23 unlikely that the inmate will be able to collect and present the evidence necessary for an adequate
24 comprehension of the case, he should be free to seek the aid of a fellow inmate, or . . . to have
25 adequate substitute aid . . . from the staff or from a[n] . . . inmate designated by the staff.” Id. at
26 570.

27 Additionally, “some evidence” must support the decision of the hearing officer.
28 Superintendent v. Hill, 472 U.S. 445, 455 (1985). The standard is not particularly stringent and

1 the relevant inquiry is whether “there is any evidence in the record that could support the
2 conclusion reached.” Id. at 455–56. However, the evidence must have some indicia of reliability.
3 Cato v. Rushen, 824 F.2d 703, 705 (9th Cir. 1987).

4 **2. Discussion of Due Process Claims**

5 Plaintiff challenges the fourth requirement set out by Wolff. He contends he was denied
6 the right to present evidence at the disciplinary proceeding. A prison disciplinary body may not
7 arbitrarily refuse to consider exculpatory evidence, including video surveillance. See, e.g.,
8 Howard v. Copenhaver, No. 1:14-cv-00373 LJO MJS, 2015 WL 404092 *3 (E.D. Cal. Jan. 28,
9 2015); Howard v. U.S. Bureau of Prisons, 487 F.3d 808, 813-14 (10th Cir. 2007) (an unjustified
10 refusal to produce and review video that a prisoner contends would bolster his defense is a
11 deprivation of the right to due process).

12 Plaintiff has alleged a minimally sufficient claim that defendant Watkins failed to permit
13 him to present evidence at the disciplinary hearing.

14 Plaintiff’s allegations against defendants Darst, Acosta, and Miller are less clear. Plaintiff
15 alleges he gave Darst his “written statement and requested the written employee C/O N. Miller to
16 be present and showed him the rough draft of Grievance Log #230953 detailing specific audio
17 and video evidence in defense of the charged offense . . . The requests and reports of the
18 investigative employee is absent in the disciplinary hearing results as required.” (ECF No. 16 at
19 4.) Plaintiff does not explain what Darst did that violated his rights. He does not seem to contend
20 Darst failed to provide the evidence to the hearing officer. Rather, plaintiff contends the evidence
21 is not contained in the disciplinary hearing results, which could be construed as a complaint about
22 defendant Watkins, the hearing officer.

23 Plaintiff fails to allege a plausible §1983 claim against defendant Darst. The claim will
24 be dismissed with leave to amend.

25 Plaintiff’s allegations against defendant Acosta are also unclear. Plaintiff states Acosta
26 “collected my statement and request for witnesses. The written statement by C/O D. Acosta is
27 also a statement which could’ve only come from the presented documentary evidence Grievance
28 Log #230953 which is contrary to my written statement on record in the disciplinary hearing

1 results.” (ECF No. 16 at 5.) It is unclear if plaintiff is alleging Acosta’s statement is incorrect or
2 that it correctly reflected plaintiff’s statement, but that statement was not placed on the record of
3 the hearing. Plaintiff fails to allege a plausible §1983 claim against Acosta.

4 The claim will be dismissed with leave to amend.

5 Plaintiff’s allegations against defendant Miller also lack clarity. Plaintiff seems to be
6 alleging he was not allowed to question Miller about whether or not he authored the RVR.
7 However, plaintiff does not contend that Miller had any role in barring that evidence. Plaintiff
8 also seems to be alleging that Miller did not, in fact, author the RVR. However, plaintiff fails to
9 allege any facts showing that if another officer authored the RVR, the result of his disciplinary
10 hearing would have been different. In other words, plaintiff fails to show that questioning a
11 different officer about the RVR would have lead to exculpatory evidence. Plaintiff fails to state a
12 §1983 claim against defendant Miller.

13 While this court finds it unlikely plaintiff can state a claim against Miller based on these
14 facts, plaintiff will be given the opportunity to attempt to do so one last time.

15 **C. Review of Disciplinary Findings**

16 Plaintiff alleges defendant Knedler violated state law in his review of the disciplinary
17 findings. A violation of state law is not a claim cognizable under §1983. 42 U.S.C. §1983.
18 Further, plaintiff’s allegations are not sufficient to state a federal constitutional claim. Plaintiff
19 does not have a protected liberty interest in the processing of his appeals. Therefore, a claim for
20 denial of due process with respect to the handling or resolution of his appeals is typically not
21 cognizable under §1983. Ramirez v. Galaza, 334 F.3d 850, 860 (9th Cir. 2003) (citing Mann v.
22 Adams, 855 F.2d 639, 640 (9th Cir. 1988)). Plaintiff may be able to allege a constitutional
23 violation if he can allege facts showing that Knedler knew plaintiff was denied the right to present
24 evidence during the disciplinary hearing, had the authority to correct the problem, and failed to
25 take that corrective action.

26 **D. Failure to Train**

27 Plaintiff’s final allegation is that defendant St. Andre failed to train defendants Watkins
28 and Knedler in the procedures for disciplinary hearings and review. Plaintiff’s allegations are far

1 too vague to state a claim. In order to state a claim that his rights were violated by a supervisor's
2 failure to train officers, plaintiff must allege facts showing: (1) that the defendant was
3 responsible for that training, (2) just what the defendant did or did not do, (3) that the defendant
4 knew his actions could cause plaintiff harm, and (4) that the actions did cause plaintiff harm. See
5 Edgerly v. City & Cnty. of S.F., 599 F.3d 946, 962 (9th Cir. 2010) (dismissing supervisory
6 liability claim when no facts "suggest [Sheriff] provided any training to Officers...., or that he was
7 responsible for providing formal training to any officers.").

8 **PROCEEDING OR AMENDING THE COMPLAINT**

9 As set forth above, plaintiff alleges a potentially cognizable claim against defendant
10 Watkins in the second amended complaint. Plaintiff fails to allege potentially cognizable claims
11 against the remaining defendants. Plaintiff has a choice. He may proceed immediately on the
12 claim found potentially cognizable herein or he may file a third amended complaint. Plaintiff is
13 advised that if he chooses to proceed on the claim against Watkins, he will be voluntarily
14 dismissing his other claims and defendants. Plaintiff is further advised that he has had multiple
15 opportunities to state claims. If plaintiff chooses to file a third amended complaint and fails to
16 state claims against some defendants, it is likely this court will recommend those claims and
17 defendants be dismissed without leave to amend.

18 If plaintiff chooses to file a third amended complaint, he must clearly identify each
19 defendant and the action that defendant took that violated his constitutional rights. The court is
20 not required to review exhibits to determine what plaintiff's charging allegations are as to each
21 named defendant. The charging allegations must be set forth in the amended complaint, so
22 defendants have fair notice of the claims plaintiff is presenting. That said, plaintiff need not
23 provide every detailed fact in support of his claims. Rather, plaintiff should provide a short, plain
24 statement of each claim. See Fed. R. Civ. P. 8(a).

25 Any amended complaint must show the federal court has jurisdiction, the action is brought
26 in the right place, and plaintiff is entitled to relief if plaintiff's allegations are true. It must
27 contain a request for particular relief. Plaintiff must identify as a defendant only persons who
28 personally participated in a substantial way in depriving plaintiff of a federal constitutional right.

Johnson v. Duffy, 588 F.2d 740, 743 (9th Cir. 1978) (a person subjects another to the deprivation of a constitutional right if he does an act, participates in another's act or omits to perform an act he is legally required to do that causes the alleged deprivation).

In an amended complaint, the allegations must be set forth in numbered paragraphs. Fed. R. Civ. P. 10(b). Plaintiff may join multiple claims if they are all against a single defendant. Fed. R. Civ. P. 18(a). If plaintiff has more than one claim based upon separate transactions or occurrences, the claims must be set forth in separate paragraphs. Fed. R. Civ. P. 10(b).

The federal rules contemplate brevity. See Galbraith v. County of Santa Clara, 307 F.3d 1119, 1125 (9th Cir. 2002) (noting that “nearly all of the circuits have now disapproved any heightened pleading standard in cases other than those governed by Rule 9(b)’’); Fed. R. Civ. P. 84; cf. Rule 9(b) (setting forth rare exceptions to simplified pleading). Plaintiff’s claims must be set forth in short and plain terms, simply, concisely and directly. See Swierkiewicz v. Sorema N.A., 534 U.S. 506, 514 (2002) (“Rule 8(a) is the starting point of a simplified pleading system, which was adopted to focus litigation on the merits of a claim.”); Fed. R. Civ. P. 8.

An amended complaint must be complete in itself without reference to any prior pleading. E.D. Cal. R. 220. Once plaintiff files an amended complaint, all prior pleadings are superseded. Any amended complaint should contain all of the allegations related to his claim in this action. If plaintiff wishes to pursue his claims against the defendant, they must be set forth in the amended complaint.

By signing an amended complaint, plaintiff certifies he has made reasonable inquiry and has evidentiary support for his allegations, and for violation of this rule the court may impose sanctions sufficient to deter repetition by plaintiff or others. Fed. R. Civ. P. 11.

CONCLUSION

For the foregoing reasons, and good cause appearing, IT IS HEREBY ORDERED as follows:

1. Plaintiff has stated a cognizable due process claim against defendant Watkins.
 2. Plaintiff's other claims and defendants are dismissed with leave to amend.
 3. Plaintiff may choose to proceed on his cognizable claim against defendant Watkins as

1 set out above or he may choose to amend his second amended complaint. If plaintiff chooses to
2 proceed on his cognizable claim in the second amended complaint, he shall voluntarily dismiss
3 his other claims and defendants.

4 4. Within thirty days of the date of this order, plaintiff shall fill out and return the
5 attached form indicating how he would like to proceed in this action.

6 5. Plaintiff is warned that his failure to comply with this order will result in a
7 recommendation that this action be dismissed.

8 Dated: June 3, 2024



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10 DEBORAH BARNES
11 UNITED STATES MAGISTRATE JUDGE
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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CLARENCE V. KNIGHT,

Plaintiff,

v.

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No. 2:23-cv-0177 DAD DB P

PLAINTIFF'S NOTICE ON HOW TO
PROCEED

Check one:

- Plaintiff wants to proceed immediately on his due process claim against defendant Watkins in the second amended complaint. Plaintiff understands that by going forward without amending the second amended complaint he is voluntarily dismissing all other claims and defendants.
- Plaintiff wants to amend the second amended complaint.

DATED: _____

Plaintiff Clarence V. Knight, Pro Se